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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/559,721

12/05/2005

Jozef Cervenko

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28107 7590 12/08/2008  
JORDAN AND HAMBURG LLP  
122 EAST 42ND STREET  
SUITE 4000  
NEW YORK, NY 10168

EXAMINER

FIGUEROA, ADRIANA

ART UNIT

PAPER NUMBER

3633

MAIL DATE

DELIVERY MODE

12/08/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/559,721	CERVENKO, JOZEF	
	<b>Examiner</b>	<b>Art Unit</b>	
	Adriana Figueroa	3633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 1-32 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/5/2005</u> .                                               | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "11" has been used to designate both "vertical border bar" and "short holder".
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 192.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Art Unit: 3633

4. New corrected drawings for Figures 23-25 in compliance with 37 CFR 1.121(d) are required in this application because the drawings are not clear. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### ***Specification***

5. The abstract of the disclosure is objected to because in line 1, the phrase "comprising of supporting bar" is incorrect, the correct phrase is "comprising of a supporting bar". In line 5, the phrase "are placed and on surface" is incorrect, the correct phrase is "are placed on surface".

Correction is required. See MPEP § 608.01(b).

6. The disclosure is objected to because of the following informalities:

on page 1, line 5 the phrase "layout in room" is incorrect;

on page 7, lines 9 and 11, the phrase "vertical border bar" is incorrect, it should be "vertical support bar"; on page 7, the description of Figure 22 is missing;

on page 9, line 1, the word "surface" is incorrect; on line 7 the word "means" is incorrect;

on page 10, line 14, the word "locking" is incorrect; on page 11, line 13, the phrase "so that on surface of the" is incorrect, it should be "so that on a surface of the";

Art Unit: 3633

on page 12 in lines 7, 13, 15 and 16 , page 13 lines 3-5, 9, there are several incorrect and missing words;

on page 15, in line 3, the words “onsupporting” and “off” are incorrect; in line 13, the character 6a is incorrect, it should be “6aa”;

on page 16, in line 1 the word “oninside” is incorrect; in line 3 the character 6 is incorrect, it should be “6bb”; in line 10, the phrase “lining groove 200 in lining” is incorrect, it should be “lining groove 200 in the lining”; in line 12, the word “horizontal” is incorrect;

on page 17, line 3, the phrase “with the lock 19 unlocked position” is incorrect, it should be “with the lock 19 in an unlocked position”.

Appropriate correction is required.

The examiner had identified several errors in the specification; however, Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Claim Objections***

7. Claims 1, 20, 24, 26, 27, 30 are objected to because of the following informalities:

Claim 1 in line 10, the phrase “each said gripping bracket” should be “said at least one gripping bracket”.

Claim 20 in line 3, the word “side” is incorrect, it should be “said”.

Art Unit: 3633

Claim 24 in line 8, the phrase "to the gripping bracket" should be "the at least one gripping bracket".

Claim 26 in line 5, the comma and period at the end of the sentence should be replaced by a semicolon.

Claim 27 in line 4, the phrase "a fourth screw" is incorrect, this should be "a fifth screw".

Claim 30 in line 3, the phrase "at first side thereof" should be "at a first side thereof".

Appropriate correction is required.

8. Claim 29 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only--, and/or, -cannot depend from any other multiple dependent claim--. See MPEP § 608.01(n).

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 19, 23, 27, 28, 29, 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 19 recites the limitation "said shorter arm" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Art Unit: 3633

Claim 23 recites the limitation "said sheet" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claims 27 and 28 recite the limitation "a second longitudinal shorter vertical border bar". Since this is the first time a "longitudinal shorter vertical border bar", is being introduced, it is unclear why appears as second.

Claim 28 in line 5 it is unclear if "the vertical border bar" refers to the "vertical border bar of claim 25 or is the "shorter vertical border bar". Also, it is unclear if the "vertical fixing element" is the external or internal fixing element.

Claim 32 in line 2 recites the limitation "and a substantially rigid sheet". It is unclear if this is "the substantially rigid sheet" introduced in claim 17 or is a new limitation.

### ***Allowable Subject Matter***

10. Claims 17, 18, 20-22, 24-26, 30, 31 are allowed.

11. Claims 19, 23, 27-29, 32 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adriana Figueroa whose telephone number is 571-272-8281. The examiner can normally be reached on Monday-Friday 8:00 am - 4:30 pm.

Art Unit: 3633

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. F./  
Examiner, Art Unit 3633  
11/21/2008

/Brian E. Glessner/  
Supervisory Patent Examiner, Art Unit 3633